HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 2373(S/S)2001
(Old No. 37010 of 2000)

1. Surendra Singh S/o Sri Ram Saran Singh,
2. Narendra Singh S/o Sri Ram Saran Singh,
Both R/o village/Mauja Gujran Beeyan,
Near Gandhi Park Jaspur,
District Udham Singh Nagar. ---- Petitioners.

Versus.

1. Regional Joint Director of Education,
Garhwal Division, Pauri Garhwal.
2. District Inspector of Schools Pauri Garhwal,
3. Principal, Govt. Uchchatar Madhyamik Vidhyalaya,
Khalukhet, Pauri Garhwal,
4. Principal, Govt. Uchchatar Madhyamik Vidhyalaya,
Daradada, Pauri Garhwal. ---- Respondents.

Sri Jitendra Chaudhary, learned counsel for the petitioners,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Jitendra Chaudhary, learned counsel for the petitioners and learned Standing Counsel for the State/ respondents.

2. By means of this writ petition, the petitioners have prayed for the following reliefs:-

i. Issue an order, direction or writ in the nature of certiorari quashing the orders dated 17.06.1999 and 18.06.1999 passed by the Regional Joint Director of Education, Garhwal Division Pauri Garhwal cancelling the appointment of the petitioners and re-appointing them on the same post,

ii. Issue a order, direction or writ in the nature of mandamus commanding the respondents to pay the salary to the petitioners alongwith entire arrears with effect from the date of joining in the institution and

also to treat them in continuous service from the date of their joining,

iii. Issue such other and further order, direction or writ of suitable nature which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iv. Award the cost of the writ petition to the petitioners.

3. Submission of the learned counsel for the petitioners is that the petitioner no. 1 was appointed as Assistant Teacher in Govt. Uchchatar Madhyamik Vidhyalala Khalukhet district Pauri Gahrwal vide order dated 10.11.1998 similarly, the petitioner no. 2 was appointed as Assistant Teacher in Govt. Uchchatar Madhyamik Vidhyalala Khalukhet district Pauri Gahrwal vide order dated 17.10.1998. The Regional Joint Director of Education, Garhwal Division, Pauri vide its order dated 17.06.1999 cancelled the appointment of the petitioners and by the subsequent order dated 18.06.1999 provided appointment to the petitioners. A number of writ petitions were filed against the arbitrary action of the respondent no. 1 cancelling the appointment of the petitioner and others vide order dated 17.06.1999. The appointment of the petitioner alongwith other persons were cancelled on the ground that some complaints were made against the then Joint Director of Education in respect of the appointments of the Assistant Teachers made by him in various Govt. Colleges of the Division. The action of the Joint Direction of Education, by which the petitioners were again provided appointment on 18.06.1999 after scrutiny, undoubtedly shows that the appointment of the petitioners previously made, was not irregular or illegal. Against the impugned order, the petitioners have filed the present writ petition in the year 2000 and after receipt of the record to this Court, this Court on 22.08.2000 stayed the impugned order

until further orders and the petitioners are continuously working on the post of Assistant Teacher in pursuance of the appointment order dated 18.06.1999 passed by the Joint Director of Education, Pauri.

4. The controversy raised by means of this writ petitioner has already been decided by this Court on 24.03.2001 in writ petition no. 775(ss)2001, Ravindra Singh Rawat and three others vs. State of Uttaranchal and two others. Consequently, the present writ petition is also being disposed of on the same terms and observations made in w.p. no. 775(ss)2001 Ravindra Singh Rawat and three other vs. State of Uttaranchal and two others , delivered on 24.03.2001.

(M.M. Ghildiyal, J.)

May 23, 2006:
NCM: